

# FEDERAL COMMUNICATIONS COMMISSION

CLASS OF STATION FM

MJD

The following application is submitted for action by the Chief, Broadcast Bureau.

ST	FILE NUMBER	CALL	APPLICANT AND LOCATION	NATURE OF APPLICATION
CA	BPH -910212MM N/M	NEW 95.9MHZ	EMPIRE BROADCASTING CORP. HELADSBURG CA	CP FOR NEW FM ON FREQUENCY: 95.9 MHZ., ERP: 6.0 KW (H&V), HAAT: 100 METERS H&V 38 40 52 122 58 10

LICENSE EXPIRATION DATE \_\_\_\_\_

\_\_\_\_\_  
CHIEF, LICENSE DIVISION

RECOMMENDATION: GRANT( ) CONSTRUCTION DATES, START \_\_\_\_\_ END \_\_\_\_\_

CONTESTED ( ) UNCONTESTED ( )

APPROVED \_\_\_\_\_

\_\_\_\_\_  
FOR CHIEF, BROADCAST BUREAU

F.C.C.-WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION  
**FEE PROCESSING FORM**

FCC/MELLON FEB 12 1991

02-13-91 8195509 001

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

**SECTION I**

APPLICANT NAME (Last, first, middle initial)

Empire Broadcasting Corporation

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to Instruction (2) on reverse of form)

c/o Rosenman & Colin (Attn: J. Boros)

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

575 Madison Avenue

CITY

New York

STATE OR COUNTRY (if foreign address)

NY

ZIP CODE

10022

CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)	(B)	(C)								
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY							
(1) <table border="1"><tr><td>M</td><td>T</td><td>R</td></tr></table>	M	T	R	<table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>					\$ 2030.00	
M	T	R								

**SECTION II**

— To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)								
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY							
(2) <table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>					\$	
(3) <table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>					\$	
(4) <table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>					\$	
(5) <table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>					\$	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE.  
THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING
\$ 2030.00

FOR FCC USE ONLY
2030.00

RECEIVED  
FEB 14 1991  
FM EXAMINER

## INSTRUCTIONS FOR COMPLETING FEE PROCESSING FORM, FCC FORM 155, May 1990

- (1) **"Applicant Name"** - Enter the name (last, first, middle initial) of the applicant as it appears on the original application or filing being submitted with this Fee Processing Form. If company, enter name which is used commercially.
- (2) **"Mailing Address (Line 1)"** - Enter the street address or post office box number to which the applicant wishes correspondence sent.
- (3) **"Mailing Address (Line 2)"** - This line may be used for further identification of the address if additional space is required.
- (4) **"City"** - Enter the name of the city associated with the given street address.
- (5) **"State or Country"** - Enter the appropriate two-digit state abbreviation as prescribed by the U.S. Postal Service. If address is foreign, enter the appropriate country name here.
- (6) **"ZIP Code"** - Enter the appropriate five or nine-digit ZIP code prescribed by the U.S. Postal Service.
- (7) **"Call Sign or Other FCC Identifier"** - Enter an applicable call sign or unique FCC identifier, if any, as shown on your attached application or filing. If applying for a service affecting more than one call sign, enter one call sign only.
- (8) **Column (A), "Fee Type Code"** - Enter correct Fee Type Code(s) from the appropriate Fee Filing Guide. Only one Fee Processing Form may be submitted per application or filing. Inaccurate or erroneous Fee Type Codes may result in your application or filing being returned to you without further processing.
- (9) **Column (B), "Fee Multiple"** - Certain applications and filings may request action with respect to more than one station, license, frequency, or party and can be submitted together with one check if they meet specific conditions. This column is used only if a multiple, i.e., two or more, is being applied for. Examples of when this would be used are renewing more than one call sign, frequency, station, or the transfer of control of more than one station. Refer to the appropriate Fee Filing Guide for additional information.
- (10) **Column (C), "Fee Due For Fee Type Code in Column (A)"** - Enter in this block the amount of the fee associated with the Fee Type Code shown in Column (A) (times (x) the fee multiple, if required).
- (11) **"Total Amount Remitted With This Application or Filing"** - Enter the total of lines (1) through (5) of Column (C). This amount should equal the amount of your check or money order. We will not accept multiple checks.

### HOW TO SUBMIT APPLICATIONS AND FILINGS

- o Each application or filing should be assembled with the Fee Processing Form stapled to the top of the application with the check placed on top of the Fee Processing Form. **DO NOT STAPLE THE CHECK TO THE APPLICATION OR FEE PROCESSING FORM.** Required copies of applications should be clearly identified as "duplicate copy" and placed behind the original package. A copy of an application or filing submitted for receipt purposes only should be placed at the bottom of the submission. Extraneous material and extra copies should be avoided at all times. Failure to abide by these instructions will delay the processing of your submission.
- o Completed applications or filings should be mailed to the proper address shown in the Fee Filing Guide for the particular service for which you are applying or making a filing. Applications and filings which are properly addressed to the appropriate P.O. box number may also be hand delivered to the following address. Applications received before midnight on a normal business day will receive that day's date as the receipt date. Deliveries made after midnight on Fridays will not be "officially" receipted until the next Monday. Applications received on weekends and government holidays are dated the next regular business day.

Federal Communications Commission  
c/o Mellon Bank  
Three Mellon Bank Center  
525 William Penn Way  
27th Floor, Rm. 153-2713  
Pittsburgh, Pennsylvania  
(Attention: Wholesale Lockbox Shift Supervisor)

- o A single check, bank draft or money order made payable to the Federal Communications Commission and denominated in U.S. dollars and drawn upon a U.S. financial institution must be included with each application or filing requiring a fee. No postdated, altered or third-party checks will be accepted. Do not send cash.
- o Parties hand delivering applications or filings may receive dated receipt copies by presenting copies of the applications or filings to the acceptance clerk at the time of delivery. Receipts will be provided for mail-in applications or filings if an extra copy of the application or filing is provided along with a self-addressed stamped envelope. Only one piece of paper per application or filing will be stamped for receipt purposes.

### REMEMBER

- o A separate completed Fee Processing Form is required with each application or filing except in certain circumstances. Please refer to the appropriate Fee Filing Guide for additional information.
- o A wrong Fee Type Code or incorrect remittance may result in your application or filing being returned without processing, or result in the dismissal of your application or filing. Please ensure that FEE TYPE CODES are correct and that your check or money order equals the amount shown in the TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING block before submitting your application or filing.
- o If you have any questions completing this form, please call the Fees Hotline, 202/632-FEES.

### FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 1, Subpart G of the Commission's rules authorize the FCC to request the information on this form. The information requested is required in order to obtain a license or authorization from the Commission. The purpose of the information is to provide a means to link a fee payment to a specific invoice, application or filing. The information will be used by the Commission to maintain data concerning fees paid to the Commission, for internal financial control, audit, and reporting purposes. Information requested on this form will be available to the public. Your response is required to obtain a license or other authorization from the Commission.

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Federal Communications Commission, Office of Managing Director, Washington, DC 20554; and to the Office of Management and Budget, Paperwork Reduction Project (3080-0440), Washington, DC 20503.

**ORIGINAL**

**ROSENMAN & COLIN**

575 MADISON AVENUE, NEW YORK, NY 10022-2585

TELEPHONE (212) 940-8800  
CABLE ROCOKAY NEWYORK  
TELECOPIER (212) 940-8776  
(212) 935-0679  
TELEX 427571 ROSCOL (ITT)  
971520 RCFLC NYK (W. U.)

SAMUEL I. ROSENMAN (1896-1973)  
RALPH F. COLIN (1900-1985)

WASHINGTON OFFICE  
1300 19TH STREET, N. W.  
WASHINGTON, D. C. 20036  
TELEPHONE (202) 463-7177

WRITER'S DIRECT DIAL NUMBER

(212) 940-7052

February 11, 1991

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Mass Media Services  
P.O. Box 358195  
Pittsburgh, PA 15251-5195

VIA FEDERAL EXPRESS

Re: Channel 240A  
Healdsburg, California

Dear Ms. Searcy,

Enclosed for filing, on behalf of Empire Broadcasting Corporation, are an original and two copies each of (i) an application (on Form 301) for a construction permit for an FM broadcast station on Channel 240A, Healdsburg, California and (ii) a Model EEO Program.

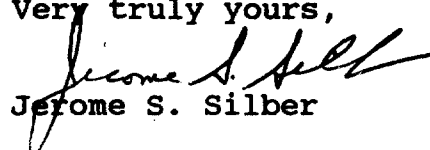
Also enclosed are a filing fee check in the amount of \$2030.00 and a Fee Processing Form.

I also enclose an extra set of the enclosures to be "date-stamped" and returned to the undersigned in the enclosed stamped, self-addressed envelope.

Please direct communications relating to this application to Jerome S. Boros, Esq. at:

Rosenman & Colin  
575 Madison Avenue  
New York, New York 10022.

Very truly yours,

  
Jerome S. Silber

Enclosures (9)

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

For COMMISSION Fee Use Only

FEE NO:

FEE TYPE:

FEE AMT:

ID SEQ:

For APPLICANT Fee Use Only

Is a fee submitted with this application? ☒ Yes ☐ No

If fee exempt (see 47 C.F.R. Section 1.1112), indicate reason therefor (check one box):

- ☐ Noncommercial educational licensee  
☐ Governmental entity

FOR COMMISSION USE ONLY

FILE NO:

BPA 910212MM

Section I - GENERAL INFORMATION

Code 31 PN: 3/1/91 30:4-2-91

1. Name of Applicant  Empire Broadcasting Corp.		
Street Address or P.O. Box PO Box 995		
City San Jose	State CA	ZIP Code 95108
Telephone No. (include Area Code) (408) 293-8030		

Send notices and communications to the following person at the address below:		
Name Mr. Robert S. Kieve at applicant's address with copy to Jerome S. Boros, Esq.		
Street Address or P.O. Box 575 Madison Avenue		
City New York	State NY	ZIP Code 10022
Telephone No. (include Area Code) (212) 940-3800		

2 This application is for:

☐

AM

☒

FM

☐

TV

(a) Channel No. or Frequency

240A

(b) Principal  
Community

City

Healdsburg

State

CA

(c) Check one of the following boxes:

☒

Application for NEW station

☐

MAJOR change in licensed facilities; call sign: .....

☐

MINOR change in licensed facilities; call sign: .....

☐

MAJOR modification of construction permit; call sign: .....

File No. of construction permit: .....

☐

MINOR modification of construction permit; call sign: .....

File No. of construction permit: .....

☐

AMENDMENT to pending application; Application file number: .....

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3 Is this application mutually exclusive with a renewal application?

☐

Yes ☒ No

If Yes, state:

Call letters

Community of License

95.9MHZ

State

BPH -910212MM NEW  
HEALDSBURG CA  
EMPIRE BROADCASTING CORP.

**Section II - LEGAL QUALIFICATIONS**

Name of Applicant

Empire Broadcasting Corporation

1. Applicant is: (check one box below)

- ☐ Individual                      ☐ General partnership                      ☒ For-profit corporation  
☐ Other                              ☐ Limited partnership                      ☐ Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No.  
N/A

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g., a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Date March 3, 1972 Place Wilmington, Delaware

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant, including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or debentures?

☐ Yes ☒ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No.  
N/A

5. Complete, if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station. N/A

☐ Yes ☐ No

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 80 a-2), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

☐ Yes ☒ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant. N/A

☐ Yes ☐ No

6. List the applicant parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

- |   |  |
|---|--|
| <p>1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.</p> <p>2. Citizenship.</p> <p>3. Office or directorship held.</p> <p>4. Number of shares or nature of partnership interests.</p> <p>5. Number of votes.</p> | <p>6. Percentage of votes.</p> <p>7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.</p> <p>8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.</p> |
|---|--|

	A	B	C
1	Empire Broadcasting Corp. PO Box 995 San Jose, CA 95108	Robert S. Kieve San Jose, CA	Vincent A. Lopopolo San Jose, CA
2	Delaware Corp.	USA	US
3	N/A	President/Director	Secretary/Treasurer Executive V.P./Director
4	N/A	52,628	10,823
5	N/A	52,628	10,823
6	N/A	51.2%	10.5%
7	Licensee of Stations KLIV, San Jose, CA and KARA(FM), Santa Clara, CA	See Column A	See Column A
8	None	None	None

Section II - LEGAL QUALIFICATIONS (Page 2)

8. List the applicant parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interests.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.
8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.

	D	E	F
1	John McLeod Morgan Hill, CA	Joseph Zukin, Jr. Oakland, CA	Rodney & Mary Ann Diridon Santa Clara, CA
2	US	US	US
3	Vice-President-Programming	Director	Director (Rodney Diridon Only)
4	800	7188	2307
5	800	7188	2307
6	.78%	6.99%	2.24%
7	See Column A	See Ex. A See Column A	See Ex. A See Column A
8	None	None	None



Section II - LEGAL QUALIFICATIONS (Page 2)

6 List the applicant parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

- |  |   |
|--|---|
| <p>1 Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.</p> <p>2 Citizenship.</p> <p>3 Office or directorship held.</p> <p>4 Number of shares or nature of partnership interests.</p> <p>5 Number of votes.</p> | <p>6 Percentage of votes.</p> <p>7 Other existing attributable interests in any broadcast station, including the nature and size of such interests.</p> <p>8 All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.</p> |
|--|---|

	G	H	
L	John A. Palvino Rochester, NY	Myron S. Lewis Rochester, NY	
2	US	US	
3	Director	Director	
4	2985	2055 (See Ex. A)	
5	2985	2055	
6	2.9%	2%	
7	See Ex. A See Column A	See Ex. A See Column A	
8	None	None	

Section 11 - LEGAL QUALIFICATIONS (Page 3)

7. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☒ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☐ Yes ☒ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.  
B

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

8. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☒ Yes ☐ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.  
A

9. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.  
N/A

OTHER MASS MEDIA INTERESTS

10. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction 8 to Section 11.)

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.  
N/A

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

11. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See instruction C to Section 11.)

☐ Yes ☒ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.  
N/A

12. (a) Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit or discrimination?

☐ Yes ☒ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.  
N/A

### SECTION III - FINANCIAL QUALIFICATIONS

**NOTE: If this application is for a change in an operating facility do not fill out this section.**

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue. ☒ Yes ☐ No
2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue. \$ 300,000
3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
Empire Broadcasting Corp. PO Box 995 San Jose, CA 95108 (Attn: Robert S. Kieve)	(408) 293-8030	Applicant	\$400,000.00

#### Section IV-A - PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.  
C

#### Section IV-B - INTEGRATION STATEMENT

Attach as an Exhibit the information required in 1 and 2 below.

Exhibit No.  
See Below

1. List each principal of the applicant who, in the event of a grant of the application on a comparative basis proposes to participate in the management of the proposed facility and, with respect to each such principal, state whether he or she will work full-time (minimum 40 hours per week) or part-time (minimum 20 hours per week) and briefly describe the proposed position and duties.
2. State with respect to each principal identified in response to Item 1 above, whether the applicant will claim qualitative credit for any of the following enhancement factors:
  - (a) Minority Status
  - (b) Past Local Residence  
If Yes, specify whether in the community of license or service area and the corresponding dates.
  - (c) Female Status
  - (d) Broadcast Experience  
If Yes, list each employer and position and corresponding dates.
  - (e) Daytime Preference

In accordance with the instructions to this application,  
Applicant's integration statement is not filed at this time.

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees?

☒ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 336-A).

See attached.

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3580?

☒ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes ☐ No

Exhibit No.  
N/A

If No, attach as an Exhibit, a full explanation.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted

JOSEPH SIMONI, OWNER

Telephone No. (include area code)

813-645-6043

Person contacted: (check one box below)

☒ Owner

☐ Owner's Agent

☐ Other (specify)

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.  
U.S. CODE, TITLE 18, SECTION 1001.**

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Empire Broadcasting Corp.	Signature <i>Robert B. Lieve</i>
Date February 8, 1991	Title President

**FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT  
AND THE PAPERWORK REDUCTION ACT**

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 71 hours 45 minutes to 301 hours 30 minutes with an average of 118 hours 28 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3080-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-311, DECEMBER 11, 1980, 44 U.S.C. 3507.

**BROADCAST EQUAL EMPLOYMENT OPPORTUNITY  
MODEL PROGRAM REPORT**

1. APPLICANT

Name of Applicant  <b>Empire Broadcasting Corporation</b>	Address  <b>PO Box 995 San Jose, CA 95108</b>
Telephone Number (include area code)  <b>(408) 293-8030</b>	

2. This form is being submitted in conjunction with:

- ☒ Application for Construction Permit for New Station ☐ Application for Assignment of License
- ☐ Application for Transfer of Control
- (a) Call letters (or channel number of frequency) ..... 240A
- (b) Community of License (city and state) ..... Healdsburg, California
- (c) Service: ☐ AM ☒ FM ☐ TV ☐ Other (Specify) \_\_\_\_\_

**INSTRUCTIONS**

Applicants seeking authority to construct a new commercial, noncommercial or international broadcast station, applicants seeking authority to obtain assignment of the construction permit or license of such a station, and applicants seeking authority to acquire control of an entity holding such construction permit or license are required to afford equal employment opportunity to all qualified persons and to refrain from discrimination in employment and related benefits on the basis of race, color, religion, national origin or sex. See Section 73.2080 of the Commission's Rules. Pursuant to these requirements, an applicant who proposes to employ five or more full-time employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asians or Pacific Islanders, American Indians or Alaskan Natives and Hispanics). This is submitted to the Commission as the Model EEO Program. If minority group representation in the available labor force is less than five percent (in the aggregate), a program for minority group members is not required. In such cases, a statement so indicating must be set forth in the EEO model program. However, a program must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant proposes to employ fewer than five full-time employees, no EEO program for women or minorities need be filed.

**Guidelines for a Model EEO Program and a Model EEO Program are attached.**

**NOTE:** Check appropriate box, sign the certification below and return to FCC:

- ☐ Station will employ fewer than 5 full-time employees; therefore no written program is being submitted.
- ☒ Station will employ 5 or more full-time employees. Our Model EEO Program is attached. (You must complete all sections of this form.)

I certify that the statements made herein are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 27 day of February, 19 91

Signed

Title

President

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.  
U.S. CODE, TITLE 18, SECTION 1001.**



## GUIDELINES TO THE MODEL EEO PROGRAM

The model EEO program adopted by the Commission for construction permit applicants, assignees and transferees contains five sections designed to assist the applicant in establishing an effective EEO program for its station. The specific elements which should be addressed are as follows:

### I. GENERAL POLICY

The first section of the program should contain a statement by the applicant that it will afford equal employment opportunity in all personnel actions without regard to race, color, religion, national origin or sex, and that it has adopted an EEO program which is designed to fully utilize the skills of qualified minorities and women in the relevant available labor force.

### II. RESPONSIBILITY FOR IMPLEMENTATION

This section calls for the name (if known) and title of the official who will be designated by the applicant to have responsibility for implementing the station's program.

### III. POLICY DISSEMINATION

The purpose of this section is to disclose the manner in which the station's EEO policy will be communicated to employees and prospective employees. The applicant's program should indicate whether it: (a) intends to utilize an employment application form which contains a notice informing job applicants that discrimination is prohibited and that persons who believe that they have been discriminated against may notify appropriate governmental agencies; (b) will post a notice which informs job applicants and employees that the applicant is an equal opportunity employer and that they may notify appropriate governmental authorities if they believe that they have been discriminated against; and (c) will seek the cooperation of labor unions, if represented at the station, in the implementation of its EEO program and in the inclusion of nondiscrimination provisions in union contracts. The applicant should also set forth any other methods it proposes to utilize in conveying its EEO policy (e.g., orientation materials, on-air announcements, station newsletter) to employees and prospective employees.

### IV. RECRUITMENT

The applicant should specify the recruitment sources and other techniques it proposes to use to attract qualified minority and female job applicants. Not all of the categories of recruitment sources need be utilized. The purpose of the listing is to assist the applicant in developing specialized referral sources to establish a pool of qualified minorities and women who can be contacted as job opportunities occur. Sources which subsequently prove to be nonproductive should not be relied on and new sources should be sought.

### V. TRAINING

Training programs are not mandatory. Each applicant is expected to decide, depending upon its own individual situation, whether a training program is feasible and would assist in its effort to increase the available pool of qualified minority and female applicants. Additionally, the applicant may set forth any other assistance it proposes to give to students, schools or colleges which is designed to be of benefit to minorities and women interested in entering the broadcasting field. The beneficiary of such assistance should be listed, as well as the form of assistance, such as contributions to scholarships, participation in work study programs, and the like.

## MODEL EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

### I. GENERAL POLICY

It will be our policy to provide employment opportunity to all qualified individuals without regard to their race, color, religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

It will also be our policy to promote the realization of equal employment opportunity through a positive, continuing program of specific practices designed to ensure the full realization of equal employment opportunity without regard to race, color, religion, national origin or sex.

To make this policy effective, and to ensure conformance with the Rules and Regulations of the Federal Communications Commission, we have adopted an Equal Employment Opportunity Program which includes the following elements:

### II. RESPONSIBILITY FOR IMPLEMENTATION

(Name/Title) JOANNE KILMARTIN, General Manager will be responsible for the administration and implementation of our Equal Employment Opportunity Program. It will also be the responsibility of all persons making employment decisions with respect to the recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that our policy and program is adhered to and that no person is discriminated against in employment because of race, color, religion, national origin or sex.

### III. POLICY DISSEMINATION

To assure that all members of the staff are cognizant of our equal employment opportunity policy and their individual responsibilities in carrying out this policy, the following communication efforts will be made:

- ☒ The station's employment application form will contain a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, State or Federal agency if they believe they have been the victims of discrimination.
- ☒ Appropriate notices will be posted informing applicants and employees that the station is an Equal Opportunity Employer and of their right to notify an appropriate local, State or Federal agency if they believe they have been the victims of discrimination.
- ☒ We will seek the cooperation of unions, if represented at the station, to help implement our EEO program and all union contracts will contain a nondiscrimination clause.
- ☐ Other (specify)

#### IV. RECRUITMENT

To ensure nondiscrimination in relation to minorities and women, and to foster their full consideration whenever job vacancies occur, we propose to utilize the following recruitment procedures:

- ☒ We will contact a variety of minority and women's organizations to encourage the referral of qualified minority and women applicants whenever job vacancies occur. Examples of organizations we intend to contact are:

Bay Area Broadcast Skills Bank  
American Women In Radio/Television  
NAACP

- ☒ In addition to the organizations noted above, which specialize in minority and women candidates, we will deal only with employment services, including State employment agencies, which refer job candidates without regard to their race, color, religion, national origin or sex. Examples of these employment referral services are:

Employment Development Department (Healdsburg)

- ☒ When we recruit prospective employees from educational institutions such recruitment efforts will include area schools and colleges with minority and women enrollments. Educational institutions to be contacted for recruitment purposes are:

Santa Rosa Junior College  
Sonoma State University

- ☒ When we place employment advertisements with media some of such advertisements will be placed in media which have significant circulation or viewership or are of particular interest to minorities and women. Examples of media to be utilized are:

Santa Rosa Press Democrat  
Healdsburg Tribune

- ☒ We will encourage employees to refer qualified minority and women candidates for existing and future job openings.

## V. TRAINING

- ☒ Station resources and/or needs will be such that we will be unable or do not choose to institute programs for upgrading the skills of employees.
- ☐ We will provide on-the-job training to upgrade the skills of employees.
- ☐ We will provide assistance to students, schools, or colleges in programs designed to enable qualified minorities and women to compete in the broadcast employment market on an equitable basis:

School or Other Beneficiary

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Proposed Form of Assistance

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- ☐ Other (specify)

### FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the application requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers, and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

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**OTHER BROADCAST INTERESTS AND  
FAMILY HOLDINGS/RELATIONSHIPS  
OF PARTIES**

John A. Palvino is a 28% shareholder, officer and director of the Lincoln Group, Ltd., licensee of Stations WVOR-FM and WHAM-AM, Rochester, New York, and of WBUF-FM in Buffalo.

Joseph Zukin, Jr., through a variety of vehicles, owns more than 50% of Meadow Pacific Corporation, which owns all of the issued and outstanding stock of Kern Broadcasting, Inc., licensee of Stations KGEO(AM) and KGFM(FM) in Bakersfield, California.

The family of Myron S. Lewis owns a total of 7,452 shares, or 7.25% of the voting stock. The other shareholding members of the Lewis family are:

Katherine Lewis (Myron's wife)  
also of Rochester, N.Y.  
U.S. Citizen  
holder of 4,584 shares  
4.46% of voting stock  
no other broadcasting or other interests

Bonnie Lewis Pfoutz (Myron's daughter)  
of Arlington, VA  
U.S. Citizen  
holder of 813 shares  
.79% of voting stock  
no other broadcasting interests

The Sibley family holds a total of 6,624 shares, or 6.43% of the voting shares. The shareholding members of this family are:

Montgomery Blair Sibley of Miami, FL  
U.S. Citizen  
holder of 1,104 shares  
1.07% of voting stock  
no other known broadcasting interests

EMPIRE BROADCASTING CORPORATION

Exhibit A  
§ II, Pars. 6, 8  
(February 1991)  
(page 2)

Barbara Sturmer Sibley  
(Montgomery Blair's wife)  
also of Miami, FL  
U.S. Citizen  
holder of 1,104 shares  
1.07% of voting stock  
no other known broadcasting interests

John Durbin Sibley  
(Montgomery Blair's brother)  
also of Miami, FL  
U.S. Citizen  
holder of 2,208 shares  
2.15% of voting stock  
no other known broadcasting interests

Elizabeth S. Hillard  
(Montgomery Blair's sister)  
of Pleasant Hill, CA  
U.S. Citizen  
holder of 1,104 shares  
1.07% of voting stock  
no other known broadcasting interests

Russell Hillard  
(Elizabeth's husband)  
of Pleasant Hill, CA  
U.S. Citizen  
holder of 1,104 shares  
1.07% of voting shares  
no other known broadcasting interests

Rodney and Mary Ann Diridon are husband and wife.  
They own their stock in Applicant jointly.

John A. Palvino, a director and 2.9% shareholder  
of Applicant, is the brother of Lawrence Palvino,  
who owns 774 shares (.75% of vote) of Applicant.

EMPIRE BROADCASTING CORPORATION

Exhibit B  
§II, Par. 7  
(February, 1991)

OTHER BROADCAST INTERESTS OF APPLICANT

Empire Broadcasting Corporation is licensee of Station KLIV, San Jose, California, and Station KARA(FM), Santa Clara, California.

See Exhibit A for non-Empire-related broadcast interests of John A. Palvino and Joseph Zukin, Jr.

EMPIRE BROADCASTING CORPORATION

EXHIBIT C  
§ IV-A  
(February 1991)

**PROGRAM SERVICE**

Applicant plans to address issues of public concern, as they arise. Such issues will be addressed through regular news programming, and otherwise, depending upon the circumstances. In addressing issues, applicant will strive for a balanced treatment to reflect differing views on matters as to which there is local controversy.

Applicant will meet its obligations under Sections 315 and 312(a)(7) of the Communications Act of 1934, as amended, and all Commission rules and policies. Applicant will also otherwise strive to serve the needs of its entire coverage area.

# Section V-B - FM BROADCAST ENGINEERING DATA

## FOR COMMISSION USE ONLY

File No. \_\_\_\_\_

ASB Referral Date \_\_\_\_\_

Referred by \_\_\_\_\_

Name of Applicant

Empire Broadcasting Corporation

Call letters (if issued)

Is this application being filed in response to a window? ☒ Yes ☐ No

If Yes, specify closing date: February 10 (11), 1991

Purpose of Application: (check appropriate boxes)

☒ Construct a new (main) facility

☐ Construct a new auxiliary facility

☐ Modify existing construction permit for main facility

☐ Modify existing construction permit for auxiliary facility

☐ Modify licensed main facility

☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

☐ Antenna supporting-structure height

☐ Effective radiated power

☐ Antenna height above average terrain

☐ Frequency

☐ Antenna location

☐ Class

☐ Main Studio location

☐ Other (Summarize briefly)

File Number(s) \_\_\_\_\_

### 1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State
240	Healdsburg	Sonoma	CA

Class (check only one box below)

☒ A ☐ B1 ☐ B ☐ C3

☐ C2 ☐ C1 ☐ C

### 2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

2.3 km northwest of the intersection of Dry Creek Road and Mountain View Ranch Road, Sonoma County, California.

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	38°	40'	52"	Longitude	122°	58'	10"
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3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)?

☐ Yes ☒ No

If Yes, give call letter(s) or file number(s) or both. \_\_\_\_\_

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any. \_\_\_\_\_



SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list old coordinates.

Latitude	°	'	"	Longitude	°	'	"
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5. Has the FAA been notified of the proposed construction?

☒ Yes ☐ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No.

Filed concurrently with

Date FCC application Office where filed Western-Pacific Regional Office

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

Landing Area	Distance (km)	Bearing (degrees True)
(a) <u>Healdsburg Municipal</u>	<u>6.3</u>	<u>114</u>
(b) _____	_____	_____

7. (a) Elevation: (to the nearest meter)

(1) of site above mean sea level; 323 meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 25 meters

(3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] 348 meters

(b) Height of radiation center: (to the nearest meter) H - Horizontal; V - Vertical

(1) above ground 20 meters (H)

20 meters (V)

(2) above mean sea level [(aX1) + (bX1)] 343 meters (H)

343 meters (V)

(3) above average terrain 100 meters (H)

100 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(bX3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.  
\*

9. Effective Radiated Power:

(a) ERP in the horizontal plane

6.0 kw (H\*) 6.0 kw (V\*)

(b) Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No.

         kw (H\*)          kw (V\*)

\*Polarization